

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3
4 Case No. 2:24-cv-01349-JAD-DJA

4 Rev. Kasey Carroll,

5 Petitioner

6 v.

6 **Order Dismissing Petition and**
7 **Closing Case**

7 Las Vegas Metro Police Dept.,

ECF No. 1

8 Respondent

9
10 The petitioner is a pretrial detainee held at the Clark County Detention Center, and he
11 filed this federal habeas petition under 28 U.S.C. § 2241.¹ Although he submitted an application
12 to proceed *in forma pauperis*, that application is incomplete because it lacks a signed financial
13 certificate and inmate-account statement. As a result of that deficiency, this matter has not been
14 properly commenced, so I dismiss it without prejudice.

15 It does not appear from the papers presented that a dismissal without prejudice will
16 materially affect a later analysis of any timeliness issue with regard to a new action filed in a
17 timely manner after petitioner has exhausted all available state remedies. Petitioner at all times
18 remains responsible for properly exhausting his claims, for calculating the running of the federal
19 limitation period as applied to his case, and for properly commencing a timely-filed federal
20 habeas action.

21 IT IS THEREFORE ORDERED that petitioner's incomplete application to proceed *in*
22 *forma pauperis* [ECF No. 1] is **DENIED** without prejudice, and **this action is DISMISSED**


23

¹ ECF No. 1-1.

1 **without prejudice** to the petitioner's ability to file a **new** habeas petition in a **new** action with
2 either the \$5.00 filing fee or a complete application to proceed *in forma pauperis* on the proper
3 form with both an inmate account statement for the past six months and a properly executed
4 financial certificate.

5 IT IS FURTHER ORDERED that **a certificate of appealability is denied** because jurists
6 of reason would not find the court's dismissal of this improperly commenced action without
7 prejudice to be debatable or incorrect.

8 **The Clerk of Court is directed to ENTER JUDGMENT** accordingly and **CLOSE**
9 **THIS CASE.**

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U.S. District Judge Jennifer A. Dorsey
Dated: September 18, 2024
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